

STATE OF CALIFORNIA  
ENVIRONMENTAL PROTECTION AGENCY  
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

ConocoPhillips Company  
1520 East Sepulveda  
Carson, California 90745

ID No. CAD980881676

Respondent.

Docket HWCA 20081691

CONSENT ORDER

Health and Safety Code  
Section 25187

1. INTRODUCTION

1.1. The California Department of Toxic Substances Control (Department) and ConocoPhillips Company (Respondent) enter into this Consent Order (Order) and agree as follows:

1.2. Respondent generates, and accumulates hazardous waste on-site for 90 days or less pursuant to California Code of Regulations, title 22, section 66262.34 and offers for transportation hazardous waste at 1520 East Sepulveda, Carson, California 90745.

1.3. Inspection. The Department inspected the Site on January 30, 2008.

1.4. Authorization Status. Respondent was issued a Hazardous Waste Post Closure Permit by the Department on November 27, 2007.

1.5. Jurisdiction. Health and Safety Code, section 25187, authorizes the Department to order action necessary to correct violations and to assess a penalty when the Department determines that any person has violated specified provisions of the Health and Safety Code or any permit, rule, regulation, standard, or requirement issued or adopted pursuant thereto.

1.6. Full Settlement. This Order shall constitute full settlement of the violations

alleged below. The Parties, and each of them, agree that this Order, and all of the terms contained herein, are fair, reasonable, and in the public interest. By agreeing to this Order, the Department does not waive any right to take other enforcement actions except as specifically provided in this Order.

1.7. Hearing. Respondent waives any and all rights to a hearing in this matter.

## 2. VIOLATIONS ALLEGED

2.1. The Department alleges the following violations:

2.1.1 Respondent violated California Code of Regulations, title 22, section 66265.31 in that on or about 1/30/08 rolloff bin #50334 was observed to contain what was labeled as K051 RCRA waste and was dripping contents onto the ground from both ends of the bin.

2.1.2 Respondent violated California Code of Regulations Section 66265.171 in that on or about 1/30/08, a drum labeled acetic acid/hazardous waste was noted with a pinhole leak in the 90-day storage area.

2.1.3 Respondent violated California Code of Regulations, title 22, section 66262.34(a)(2) in that on or about 1/30/08, one drum in the 90-day storage area was noted without the accumulation date.

## 3. SCHEDULE FOR COMPLIANCE

3.1 Respondent remedied the conditions that form the basis of the alleged violations in Section 2 to the Department's satisfaction during the inspection.

3.1.1 Respondent shall make all payments at the time(s) and in accord with any other conditions set forth in Section 5 (Penalty) below.

## 4. OTHER PROVISIONS

4.1. Liability. Nothing in this Order shall constitute or be construed as a satisfaction or release from liability for any conditions or claims arising as a result of past, current, or future operations of Respondent, except as provided in this Order. Notwithstanding compliance with the terms of this Order, Respondent may be required

to take such further actions as are necessary to protect public health or welfare or the environment.

4.2. Penalties for Noncompliance. Failure to comply with the terms of this Order may subject Respondent to costs, penalties and/or damages, as provided by Health and Safety Code, section 25188, and other applicable provisions of law.

4.3. Parties Bound. This Order shall apply to and be binding upon Respondent and its officers, directors, agents, employees, contractors, consultants, receivers, trustees, successors, and assignees, including but not limited to individuals, partners, and subsidiary and parent corporations, and upon the Department and any successor agency that may have responsibility for and jurisdiction over the subject matter of this Order.

4.4. Integration. This agreement constitutes the entire agreement between the parties and may not be amended, supplemented, or modified, except as provided in this Order.

## 5. PENALTY and PAYMENTS

5.1. Respondent shall pay the Department a penalty the total sum of \$2,500.

5.2 Payment of the total sum specified in paragraph 5.1, is due within 20 days from the effective date of this Order.

5.3 Respondent's check shall be made payable to Department of Toxic Substances Control, shall identify the Respondent and Docket Number, as shown in the caption of this Order, and shall be delivered together with the attached Payment

Voucher to:

Department of Toxic Substances Control  
Accounting Office  
1001 I Street, 21st floor  
P. O. Box 806  
Sacramento, California 95812-0806

A photocopy of the check(s) shall be sent to:

Mr. Dale Hoverman, Unit Chief  
Enforcement and Emergency Response Program  
1515 Tollhouse Road  
Clovis, California 93611

5.4 If Respondent fails to make payment as provided above, Respondent agrees to pay interest at the rate established pursuant to Health and Safety Code, section 25360.1, and to pay all costs incurred by the Department in pursuing collection, including attorney's fees.

#### 6. EFFECTIVE DATE

6.1. The effective date of this Order is the date it is signed by the Department.

Dated: 4/16/08

Original signed by Jay D. Churchill  
Respondent

Dated: 4/30/08

Original signed by Dale E. Hoverman  
Department of Toxic Substances Control